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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,988	08/26/2003	Stephen James Mullock	42706-1900	2493

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EXAMINER

FERNANDEZ, KALIMAH

ART UNIT PAPER NUMBER

2881

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,988

Applicant(s)

MULLOCK ET AL.

Examiner

Kalimah Fernandez

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6,8-11, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 6,223,584 issued to Mustacich et al.
3. Mustacich et al disclose a device and method for concentrating and analyzing a carrier gas (for example col.6, lines 28-34).
4. Mustacich et al disclose a trap (17) for isolating an analyte to be concentrated has been absorbed from a carrier gas passed through the trap (see col.7, lines 21-34).
5. Mustacich et al disclose desorbing means (col.7, lines 4-20).
6. Mustacich et al disclose reducing the pressure within the trap to a first pressure via a vacuum pump (13) (see col.9, lines 29-35).
7. Mustacich et al disclose an analyzer (11).

8. Mustacich et al also disclose a carrier gas flow (27) (see col.7, lines 31-34).
9. As per claim 2, Mustacich et al disclose the step of passing the carrier gas and the analyte through the trap (col.13, lines 36-44).
10. As per claim 6, Mustacich et al disclose the step of passing the analyte through a non-selective flow restrictor after the desorb step (col.8, lines 13-26).
11. As per claim 8, Mustacich et al disclose the desorption of the analyte is effected by raising the temperature of the trap (col.7, lines 4-10).
12. As per claim 10, Mustacich et al disclose a heater means (col.7, lines 4-10; col.8, lines 13-26).
13. As per claim 11, Mustacich et al disclose the trap includes a valve means at its inlet, through which the carrier gas and analyte are passed (col.6, lines 40-47).
14. As per claim 14, Mustacich et al disclose a pump valve between the body and vacuum pump (13) (col.7, lines 26-30).
15. As per claim 15, Mustacich et al disclose a flow restrictor (28) between the body and the analyzer.

16. Claims 1-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,142,143 issued to Fite et al.

17. Fite et al disclose a device and method for concentrating and analyzing a carrier gas (see col. 1, lines 14-23).

18. Fite et al disclose a trap (10) for isolating an analyte to be concentrated has been absorbed from a carrier gas passed through the trap.

19. Fite et al disclose desorbing means (col.5, lines 56-67).

20. Fite et al disclose reducing the pressure within the trap to a first pressure via a vacuum pump (col.6, line 20-28).

21. Fite et al disclose an analyzer (14).

22. As per claim 2, Fite et al disclose the step of passing the carrier gas and the analyte through the trap (col.8, lines 14-25, lines 34-48).

23. As per claim 3, Fite et al disclose the carrier gas and the analyte are at a third pressure, which is greater than the first pressure (see col.6, lines 20-39). Fite et al disclose the third pressure is the mass spectrometer in col.6, line 66-col. 7, line 28 (see also col.8, line 63-col.9, line 15).

24. As per claims 4-5, Fite et al disclose selectively permeable membrane (31) located before the trap and after (see col.11, lines 18-40).

25. As per claim 7, Fite et al disclose the step of flushing the trap with a dry gas prior to reducing the pressure in the trap (col.11, lines 59-67).
26. As per claims 8 and 10, Fite et al disclose the desorption of the analyte is effected by raising the temperature of the trap via heating means (12) (col.6, lines 25-28).
27. As per claims 11-14, Fite et al disclose valve means (see for example fig. 3; col.8, lines 62-65).
28. As per claim 16, Fite et al disclose the flow restrictor is a selectively permeable membrane (31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalimah Fernandez whose telephone number is 571-272-2470. The examiner can normally be reached on Mon-Tues 6:30-3:30; Wed-Thurs 8-5 and Fri.9am-6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on 571-272-2477. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KF


JOHN R. LEE
SUPERVISORY PATENT EXAMINER
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